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TECHNOLOGY CENTER R3700

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rocco D'Antonio

Examiner: Jes F. Pascua

Serial Number: 09/839,791

Group Art Unit: 3727

Filed: April 20, 2001

Atty Docket No: 1139

For: Paper Liner for Plastic Grocery Bags

DECLARATION OF APPLICANT

I, Rocco D'Antonio, of full age, do declare as follows:

1. I am President of Better Bag Marketing, LLC and the inventor in the above-captioned patent application, and am fully familiar with the facts stated herein.

2. During the period October 2000 and continuing through the present, I was responsible for maintaining financial records for Better Bag Marketing, LLC.

3. Attached herewith and made a part hereof as Exhibit A is a record of bulk sales of PIPsacks to distributors of grocery containers to super markets during the time period indicated by Paragraph 2.

4. With regard to Exhibit A, the rows represent distributors of grocery containers to super markets and sales of PIPsacks to said distributors. The columns represent months in which the bulk sales to said distributors were made.

5. Attached herewith and made a part hereof as Exhibit B are total bulk sales each month represented by means of a graph wherein the ordinate (y - coordinate) represents total bulk sales in number of bales of PIPsacks and the abscissa (x - coordinate)

represents months in which the bulk sales occurred. Each bale of PIPsacks contains 500 PIPsacks.

6. PIPsacks, as mentioned within this declaration, are paper liners whose perimeter are approximately equal to the base perimeter of standard plastic grocery sacks, as described in the application.

7. PIPsacks, as mentioned within this declaration, are paper liners made of a grade of paper of lighter weight than the paper used for standard paper grocery sacks of similar base perimeter, as described in the application.

8. PIPsacks, as mentioned within this declaration, are paper liners whose height is approximately equal to the height to the collar of selected standard plastic grocery sacks, as described in the application. PIPsacks whose height is approximately equal to the height to the collar of standard plastic grocery sacks are not yet being made for all standard plastic grocery sack sizes because I do not have the machinery to make PIPsacks of said height for all standard-sized plastic grocery sacks.

9. PIPsacks, as mentioned within this declaration, are being sold to distributors of grocery containers to super markets for the specific purpose of being used as paper liners for standard-sized plastic grocery sacks in said super markets. And to the best of my knowledge, said PIPsacks are being used as paper liners for plastic grocery sacks in said super markets.

10. Attached herewith and made a part hereof as Exhibit C is an

article appearing in the July 2002 issue of the trade journal *Food Industry Advisor*.

11. Attached herewith and made a part hereof as Exhibit D is an article appearing in the July 2002 issue of the trade journal *Tri-State Food News*.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature:

X

  
Rocco D'Antonio

Date:

X

7.30.02